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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,846

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Ingmar Hentsch

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10/18/2005

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EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,846

Applicant(s)

HENTSCH ET AL.

Examiner

Eric M. Blount

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2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14, 16, 19, 22, 25 and 28 is/are rejected.
- 7) ☒ Claim(s) 10, 13, 15, 17, 18, 20, 21, 23, 24, 26, 27 and 29-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04022004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 11, 12, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Yang [U.S. Pub No. US 2004/0257209 A1].

Regarding **claim 1**, Yang discloses a motor vehicle door locking system comprising:

- a. At least one motor vehicle lock, wherein the motor vehicle lock is at least one of locked, unlocked, and opened by a motor (paragraph 26).
- b. A motor vehicle-side control (1).
- c. An operator-side mobile part (2) each of the control and the mobile part including communications electronics (12), wherein the communications electronics creates a bi-directional wireless link between the control and mobile part (paragraph 21), wherein at least one system function of the motor vehicle door locking system is triggerable by the mobile part via wireless link, and wherein the wireless link is a Bluetooth wireless link (paragraphs 26 and 27).

As for **claims 2**, the communications electronics of the control includes a Bluetooth interface (12) and the communications electronics of the mobile part has a Bluetooth interface (paragraph 21).

Regarding **claim 4**, the mobile part is a mobile phone with an integrated Bluetooth interface (2).

As for **claim 5**, the system function is unlocking of the motor vehicle lock (paragraph 26).

Regarding **claim 11**, Yang discloses that vehicle-side reception level of the Bluetooth wireless link can be measured by the control and from the measured reception level the distance of the mobile part from the vehicle can be determined. The control blocks the triggering of the at least one system function (unlocking doors) depending on the determined distance (paragraphs 12, 15, and 26).

As for **claim 12**, the control enables triggering of the system function only when the mobile part is located within a predetermined distance range around the vehicle (paragraphs 12, 15, and 26).

As for **claim 25**, the at least one system function which is enabled by the control can be triggered by manual actuation of the mobile part (paragraph 14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, 7-9, 16, 19, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang as applied to the claims above.

Regarding **claim 3**, there were several known keyless entry devices known in the art at the time of the invention by the applicant, including access cards, key rings, and key components. One of ordinary skill in the art would have recognized that any of these components could have replaced the mobile phone in the invention of Yang.

As for **claims 6, 16, and 19**, Yang does not specifically disclose that the opening of the lock is motorized. However, one of ordinary skill in the art at the time of invention by the applicant would have recognized that if the door locking system of the invention were motor control that the function would obviously be a motorized opening of the lock.

As for **claims 7-9 and 22**, the motor vehicle door locking system includes a passive entry function in which, as the operator with the mobile part approaches the motor vehicle, the control, after a starting interval and an authentication interval, triggers an action interval for unlocking the motor vehicle lock (paragraphs 15, 26, and 41). In paragraph 41, Yang discloses that the mobile part and the control have to be authorized to one another. It is obvious that there is a Bluetooth connection set up that takes place between the two parts. One of ordinary skill in the art would have recognized that all of the necessary time intervals for a Bluetooth communication would be needed in the invention.

As for **claim 28**, it was well known in the art at the time of the invention by the applicant that the engine of a motor vehicle is started via an actuation arrangement

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(ignition switch) in an interior of the vehicle. It would have also been obvious that a user would be able to start the engine of the vehicle if the user used the mobile part to gain entry to the vehicle.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang as applied to claims above, and further in view of Logan et al [U.S. Pub. No. US 2005/0054290 A1].

Regarding **claim 14**, Yang does not disclose that the one system function may be the activation of front-end lights, the blinker, the interior lighting of the vehicle, a seat adjustment, or a mirror adjustment. In an analogous art, Logan discloses that the lights of a vehicle may be controlled through a Bluetooth communication between a vehicle-side part and a mobile part (paragraphs 19 and 20). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the teachings of Yang to include the activation of lights because the modification would have provided an added level of security. If the lights were turned on, a user would be able to inspect the surrounding area of the vehicle before approaching and entering the vehicle.

Allowable Subject Matter

6. Claims 10, 13, 15, 17, 18, 20, 21, 23, 24, 26, 27, and 29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636


JEFFERY HOFSA
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